

Seattle Housing and Building Maintenance Code

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Chapter 22.200**TITLE, PURPOSE AND SCOPE****22.200.010 Title.**

The ordinance codified in Chapters 22.200 through 22.208 of this subtitle shall be known and may be cited as the “Housing and Building Maintenance Code” and is referred to herein as “this Code.”

22.200.020 Declaration of findings and intent.

- A. It is found and declared that there exist, within the City of Seattle, buildings together with appurtenant structures and premises that are substandard, deteriorating, in danger of causing or contributing to the creation of slums or otherwise blighted areas, and hazardous to the health, safety and general welfare of the public.
- B. It is further found and declared that these conditions are the result of, among other causes: inadequate original construction; dilapidation; failure to repair; lack of proper sanitary facilities and maintenance; structural defects; vacant or abandoned buildings or properties; overcrowding; electrical, mechanical and other defects increasing the hazards of fire, accidents or other calamities; uncleanliness; inadequate heating, lighting and ventilation.
- C. It is further found that maintenance of the housing stock is critical to the health, safety and welfare of the general public and it is the intent of this Code to assure the preservation of the existing supply of housing in The City of Seattle by establishing minimum standards and an effective means for enforcement and by encouraging the rehabilitation and re-use of existing structurally sound buildings.
- D. It is further found and declared that arbitrary eviction of responsible tenants imposes upon such tenants the hardship of locating replacement housing and provides no corresponding benefit to property owners.
- E. It is further found and declared that tenants who do not respect the rights of others impose unnecessary hardship.
- F. It is the intent of this Code that relocation assistance payments required by Subtitle II of Title 22 shall be in addition to a refund from the property owner of any deposits and of other sums to which a tenant is lawfully entitled under state or federal law.
- G. The express purpose of this Code is to provide for and promote the health, safety and welfare of the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code. The obligation of complying with the requirements of this Code and the liability for failing to do so is hereby placed upon the property owner and/or occupant or persons responsible for the condition of the buildings or premises.

22.200.030 Scope.

This Code shall apply to all buildings, appurtenant structures and premises, now in existence or hereafter constructed; provided, that:

- A. The minimum standards of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes in effect when a building, structure or premises was constructed, altered, rehabilitated or repaired shall apply to the construction, alteration, rehabilitation and repair, and shall apply to maintenance except when this Code specifically requires higher standards;
- B. The minimum standards set forth in SMC Sections 22.206.010 through 22.206.140 shall be advisory only for all housing units that are owner-occupied and in which no rooms are rented or leased to others, except as provided by Section 22.202.035 for owner-requested inspections; and
- C. The minimum standards of this Code shall not apply to any structure constructed and maintained in compliance with standards and procedures of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes currently in effect.

Chapter 22.202**ADMINISTRATION****22.202.010 Enforcement authority—Rules.**

- A. Enforcement. The Director is hereby designated the City Official to exercise the powers granted by this Code, except that the Chief of Police shall be responsible for the enforcement of Sections 22.206.180 and 22.206.190 and shall have equal responsibility with the Director for enforcement of Sections 22.206.140 and 22.206.160 B3. In enforcing SMC Sections 22.106.180 and 22.206.190, the Chief of Police shall encourage any owner(s) and tenant(s) involved to engage in mediation or binding arbitration pursuant to RCW 59.18.315 through RCW 59.18.350 of the State Residential Landlord Tenant Act to resolve outstanding disputes between them.
- B. Rules. The Director is authorized to adopt, in accordance with the Administrative Code of The City of Seattle, such rules as are necessary to implement the requirements of this Code and to carry out the duties of the Director hereunder.

22.202.020 Fees.

Fees or charges for advisory inspections, inspections for monitoring vacant buildings, and for requested services shall be as specified in the Permit Fee Ordinance (SMC Chapter 22.900). No fee shall be charged for inspections in response to citizen complaints.

22.202.030 Right to entry.

The Director or the Director’s designee may, with the consent of an occupant or owner, or pursuant to a lawfully issued warrant, enter any building, structure or premises in the City to perform any duty imposed by this Code.

22.202.035 Owner-requested inspections.

The Director is authorized to make inspections upon the receipt of a request from an owner and upon receipt of payment in accordance with the Permit Fee Ordinance (SMC Chapter 22.900) for the purpose of determining whether buildings and properties comply with the standards of this Code. Such inspections may include owner-occupied, single-family dwelling units otherwise beyond the scope of this Code. The standards used in the inspection shall include all the standards of this Code, including those items from which single-family dwellings are otherwise exempted. As a result of an owner-requested inspection, the Director shall require compliance with the following provisions of this Code and no others:

- A. Section 22.206.140 in housing units other than owner-occupied housing units in which no rooms are rented or leased to others;
- B. Section 22.206.130 in structures that are tenant-occupied;
- C. Section 22.206.260.

22.202.040 Liability.

Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of an owner of property or land to comply with the provisions of this Code, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this Code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Code by its officers, employees or agents.

22.202.050 Housing and Abatement Accounting Unit.

A restricted accounting unit designated as the "Housing and Abatement Account" is established in the Construction and Land Use Fund from which account the Director is hereby authorized to pay the costs and expenses incurred for the repair, alteration, improvement, vacation and closure, removal or demolition of any building, structure or other dangerous condition pursuant to the provisions of this Code, or pursuant to any other ordinance administered and enforced by the Director declaring any building, structure or premises to be a public nuisance and ordering the abatement thereof. Money from the following sources shall be paid into the Housing and Abatement Accounting Unit:

- A. Sums recovered by The City as reimbursement for costs incurred by The City for the repair, alteration, stabilization, improvement, vacation and closure, removal or demolition of buildings or structures in accordance with this Code;
- B. Sums recovered by The City as reimbursement for costs and expenses of abatement of buildings, structures and premises declared to be public nuisances;
- C. The unencumbered balance remaining in the Housing and Abatement Revolving Fund created by Ordinance 106319;

- D. Other sums that may by ordinance be appropriated to or designated as revenue of the account;
- E. Other sums that may by gift, bequest or grant be deposited in the account; and
- F. Fines and penalties collected pursuant to subsections A, B, D, E, F, and G of Section 22.206.280 and Section 22.208.150.

22.202.060 Emergency Relocation Assistance Accounting Unit.

A restricted accounting unit designated as the "Emergency Relocation Assistance Account" is established in the Construction and Land Use Fund, from which account the Director is hereby authorized to pay relocation assistance pursuant to SMC Section 22.206.265, when a property owner is required to deposit such assistance pursuant to SMC Section 22.206.260.

- A. The total amount of unreimbursed advances from this account shall not exceed Fifty Thousand Dollars (\$50,000.00) at any given time.
- B. Money from the following sources shall be paid into the Emergency Relocation Assistance Account:
 - 1. Fines and penalties collected pursuant to subsection C of SMC Section 22.206.280;
 - 2. Sums that may by ordinance be appropriated to or designated as revenue to this account;
 - 3. Other sums that may by gift, bequest or grant be deposited in the account;
 - 4. Reimbursement of monies paid by The City of Seattle as relocation assistance from this account; and
 - 5. Relocation assistance monies deposited by property owners with the Director pursuant to subsection G of SMC Section 22.206.260.

Chapter 22.204**DEFINITIONS****22.204.010 General provisions.**

- A. For the purpose of this Code, certain terms, phrases, words and their derivations shall be construed as specified in this chapter. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.
- B. Whenever the words "apartment house," "building," "dormitory," "dwelling," "dwelling unit," "guest room," "habitable room," "hotel," "housekeeping room," "housing unit," or "structure" are used in this Code, such words shall be construed as if followed by the words "or any portion thereof."

22.204.020 "A."

- A. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202.035.
- B. "Apartment house" means any building containing three

(3) or more dwelling units and shall include residential condominiums, townhouses and cooperatives.

- C. “Approved” means approved by the Director or by the Director of Seattle-King County Public Health, or by the Director of Seattle Public Utilities, or by the Fire Chief, as the result of investigations or tests, or approved by the Director by reason of accepted principles or tests recognized by authorities, or technical or scientific organizations.

22.204.030 “B.”

- A. “Basement” means any floor level below the first story in a building. See “Story.”
- B. “Building” means any structure which is used, designed or intended to be used for human habitation or other use.
- C. Building, Closed. See “Building, closed to unauthorized entry.”
- D. Building, Closed to Entry. See “Building, closed to unauthorized entry.”
- E. “Building, closed to unauthorized entry” means a building which meets the standards of Section 22.206.200 A4.
- F. Building, Historic. “Historic building” means a building or structure which has been nominated or designated for preservation by the Seattle Landmarks Preservation Board pursuant to SMC Sections 25.12.350 through 25.12.440 or The State of Washington; has been listed, or has been determined eligible for listing on the National Register of Historical Places or on the Washington State Register of Historic Places; or is located in a landmark historic district created pursuant to SMC Chapter 25.12 and is subject to landmark controls imposed by a landmark district designating ordinance.
- G. “Building service room” means a room available for the joint use of occupants of two (2) or more housing units, other than public hallways and exit passages, e.g. game rooms, laundry rooms, saunas and TV rooms.
- H. Building, Vacant. See “Building, vacated.”
- I. Building, Vacated. “Vacated building” means a building that is unoccupied and is not used as a place of residence or business. At the discretion of the Director, a portion of a vacated building may be occupied if the occupied portion meets the standards for habitable buildings specified in this Code and the vacated and closed portion complies with the standards for vacant buildings in Section 22.206.200.

22.204.040 “C.”

- A. “Cabinets” means open shelving, curtained shelving or shelving equipped with doors.
- B. “Certificate of Compliance” means a certificate issued by the Director, based upon an inspection which certifies that required corrections have been made.
- C. Closed. See “Building, closed to unauthorized entry.”
- D. Closed to Unauthorized Entry. See “Building, closed to unauthorized entry.”
- E. “Court” means a space, open and unobstructed to the

sky, located at or above grade level on a lot and bounded on three (3) or more sides by building walls.

22.204.050 “D.”

- A. “Director” means the Director of the Department of Planning and Development for the City of Seattle and/or the Director’s designee.
- B. “Dormitory” means a guest room containing two (2) or more beds.
- C. “Dwelling” means any building containing two (2) or fewer dwelling units.
- D. “Dwelling unit” means a building or portion of a building intended to be occupied by one (1) family and containing sleeping, eating, cooking and sanitation facilities required by this Code.

22.204.060 “E.”

- A. “Existing” means in existence prior to adoption of this Code.
- B. “Exit” means a continuous and unobstructed means of egress from any place in a building, including intervening aisles, doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts, yards, or any other permitted means of egress to a street, alley or other public way.
- C. “Exterior stairs on grade” means any outside stairs that are no more than eighteen inches (18”) above finished grade.

22.204.070 “F.”

- A. “Family” means any number of related persons or eight (8) or fewer unrelated persons.
- B. “Fire resistance” or “fire-resistive construction” means construction that resists the spread of fire, as specified in the Seattle Building Code.

22.204.080 “G.”

- A. “Garage” means a building designed, used or intended to be used for parking or storage of vehicles.
- B. “Garbage” means all discarded putrescible waste matter, but not including sewage or human or animal excrement.
- C. “Garbage can” means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a handle, or a “sunken can” or other container, as required by the Director of Seattle Public Utilities. A “sunken can” is any garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more garbage cans the tops of which are approximately at ground level.
- D. “Governmental entity” means the United States Government and its agencies, The State of Washington and its agencies, counties, cities, and other political subdivisions of The State of Washington.

- E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.
- F. "Guest" means any person occupying a guest room pursuant to a rental agreement.
- G. "Guest room" means a room or rooms used or intended to be used for living and sleeping purposes and which may share common bathrooms and cooking facilities.

22.204.090 "H."

- A. "Habitable room" means space in a building occupied, used, designed or intended to be used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, laundry rooms, storage or utility space, and similar areas are not habitable rooms.
- B. "Hazard" means a condition that exposes any person to the risk of illness, bodily harm, or loss of or damage to possessions.
- C. Historic. See "Building, historic."
- D. "Hotel" means a building which contains six (6) or more guest rooms and is intended for occupancy by transients.
- E. "Housekeeping unit" means a housing unit of one (1) or more rooms, used for living, sleeping and cooking and sharing a common bathroom.
- F. "Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single room occupancy unit.

22.204.100 "I."

- A. "Inaccessible service area" means an area which is not a habitable room, is not located within any housing unit and is not accessible to tenants or their guests but which contains electrical, mechanical or other service facilities, access to which is limited to the owner or maintenance staff. Examples of inaccessible service areas would include boiler rooms, elevator equipment rooms and similar areas.
- B. "Infestation" means the presence of insects, rodents, or other pests in or around a building, in such numbers as may be detrimental to the health, safety, or general welfare of the occupants thereof.

22.204.120 "K."

- A. "Kitchen" means a space or room used, designed or intended to be used for the preparation of food.

22.204.130 "L."

- A. "Lawfully installed" means installed in accordance with the requirements of approved codes or ordinances of the City.
- B. Lease. See "Rental agreement."

22.204.140 "M."

- A. "Maintenance room" means a room for the maintenance of mechanical, electrical, heating and other building systems, e.g. boiler rooms, gas and electric meter rooms, elevator control rooms, and workrooms for maintenance employees, but excluding such spaces as janitors' broom closets.

22.204.160 "O."

- A. "Occupancy" means the purpose for which a building is used or intended to be used.
- B. "Occupant" means a person, over one (1) year of age, occupying or having possession of a building or any portion thereof.
- C. "Occupant load" means the total number of persons that may lawfully occupy a building at one (1) time, as determined by the Seattle Building Code.
- D. "Owner" means any person who, alone or with others, has title or interest in any building, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

22.204.170 "P."

- A. "Party affected" means any owner, tenant, or other person having a direct financial interest in a building or adjacent property, or any person whose health or safety is directly affected by the condition of a building.
- B. "Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.
- C. "Plumbing system" means any potable water distribution piping, and any drainage piping within or below any building, including rainwater leaders and all plumbing fixtures, traps, vents and devices appurtenant to such water distribution or drainage piping and including potable water treating or using equipment, and any lawn-sprinkling system.
- D. "Premises" means a plot of ground, whether occupied by a structure or not.

22.204.190 "R."

- A. "Receptacle" means an electrical contact device installed at an outlet for the connection of a single electrical attachment plug.
- B. "Receptacle outlet" means an electrical outlet where one (1) or more receptacles are installed.
- C. "Rental agreement" means an agreement, oral or written, relating to the use and occupancy of a building, structure or premises.
- D. "Rubbish" means all discarded nonputrescible waste matter.

22.204.200 "S."

- A. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation.
- B. "Single room occupancy unit (S.R.O. unit)" means an

existing housing unit with one (1) combined sleeping and living room of at least seventy (70) square feet but of not more than one hundred thirty (130) square feet. Such units may include a kitchen and a private bath.

- C. "Smoke detector" means an approved device which senses the products of combustion. The device shall be approved by a testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.
- D. "Stairway enclosure" means the space enclosing interior stairs, landings between flights, corridors, and passageways used for direct exit to the exterior of a building, and any lobbies or other common areas that open onto such direct exits. Any space in a lobby or common area that is separated from a direct exit by a one (1) hour fire assembly shall not be considered part of a stairway enclosure.
- E. "Storage room" means a room for the storage of supplies or personal belongings in a location other than an individual housing unit, but excluding such spaces as personal storage lockers.
- F. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above; provided, that the top story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet (6') above grade for more than fifty (50) percent of the total perimeter, or is more than twelve feet (12') above grade for more than twenty-five feet (25') at the perimeter, then the basement or unused underfloor space shall be considered a story. Required driveways up to twenty-two feet (22') in width shall not be used in measuring the twenty-five feet (25') unless the driveway is within ten feet (10') of the twenty-five-foot (25') exemption.
- G. "Structure" means anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together.
- H. "Substandard building" means any building which fails to comply with the minimum standards set forth in SMC Chapter 22.206.
- I. "Substantial rehabilitation" means extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.
- J. "Supplied" means paid for, furnished by, provided by, or under the control of the owner of a building.

22.204.210 "T."

A. "Tenant" means a person occupying or holding possession of a building or premises pursuant to a rental agreement.

22.204.220 "U."

- A. "Used" means used or designed or intended to be used.

22.204.230 "V."

- A. Vacant. See "Building, vacated."
- B. Vacated. See "Building, vacated."
- C. "Vent shaft" means an open, unobstructed passage or duct used to ventilate a bathroom, toilet compartment, kitchen or utility or other service room.

22.204.240 "W."

- A. "Window" means an exterior glazed opening, including glazed doors, which opens upon a yard, court, street, alley, or recess from a court, and glazed skylights.

22.204.260 "Y."

- A. "Yard" means an open unoccupied space other than a court on the lot on which a building is situated, unobstructed from the ground to the sky except as specifically permitted by the Seattle Building Code.

Chapter 22.206

HABITABLE BUILDINGS

Minimum Space and Occupancy Standards

22.206.010 Reserved.

22.206.020 Floor area.

- A. Every dwelling unit shall have at least one (1) habitable room which shall have not less than one hundred twenty (120) square feet of floor area.
- B. No habitable room except a kitchen may be less than seven feet (7') in any floor dimension.
- C. Every room used for sleeping purposes, including an SRO unit, shall have not less than seventy (70) square feet of floor area. Every room, except an SRO unit, which is used for both cooking and living or both living and sleeping quarters shall have a floor area of not less than one hundred thirty (130) square feet if used or intended to be used by only one (1) occupant, or of not less than one hundred fifty (150) square feet if used or intended to be used by two (2) occupants. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).
- D. In a dormitory, minimum floor area shall be sixty (60) square feet per single or double bunk, and aisles not less than three feet (3') in width shall be provided between the sides of bunks and from every bunk to an exit. The requirements of this subparagraph shall not apply to SRO units.
- E. The required floor area square footage of all dwelling units, dormitories, and SRO units shall not include built-in equipment which extends from the floor to thirty inches (30") above the floor, including but not limited to wardrobes, cabinets, and kitchen sinks or appliances.

22.206.030 Reserved.**22.206.040 Light and ventilation.**

- A. Every habitable room in a housing unit shall have a window or windows with an area of not less than ten percent (10%) of the floor area of the room, but in no event shall such area be less than ten (10) square feet; provided, that an approved system of artificial light may be used in lieu of the window or windows required in kitchens by this section.
- B. Every habitable room in a housing unit and every laundry room shall have natural ventilation from an exterior opening with an area not less than two and one-half percent (2.5%) of the floor area of the room but in no event less than two and one-half (2-1/2) square feet. In lieu of required exterior openings for natural ventilation in all habitable rooms and in laundry rooms, a mechanical ventilating system may be provided. Such system shall comply with the requirements of the Seattle Energy Code in effect on the date of installation and applicable requirements of the Mechanical Code.
- C. Every bathroom and water closet compartment shall be provided with natural ventilation by means of exterior openings with an area not less than five percent (5%) of the floor area of the room, but in no event shall such area be less than one and one half (1-1/2) square feet; provided, that in lieu of required exterior openings for natural ventilation, a mechanical ventilating system or vent shafts may be provided. Such system shall comply with the requirements of the Seattle Energy Code in effect on the date of installation and applicable requirements of the Seattle Mechanical Code. If a mechanical ventilation system is provided in laundry rooms or similar rooms, it shall be connected to the outside.
- D. For the purpose of determining light and ventilation requirements, any room may be considered a portion of an adjoining room if one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.
- E. Required exterior openings for natural light or natural ventilation shall open directly onto a street or public alley, or a yard or court adjacent to the required exterior opening; provided, that required exterior openings may open onto a roofed porch where the porch:
 - 1. Abuts a street, yard or court; and
 - 2. Has a ceiling height of not less than six feet, eight inches (6'8"); and
 - 3. Is at least sixty-five percent (65%) open and unobstructed for its length, or is open at both ends.
- F. Every yard, court, street or alley having required windows facing thereon shall be not less than three feet (3') in width and unobstructed to the sky.

22.206.050 Sanitation.

- A. Dwelling Units. Every dwelling unit shall contain a toilet, a lavatory, and a bathtub or shower in a separate

room or rooms which shall be accessible from inside the dwelling unit. The only access from a bedroom to the only bathroom shall not be through another bedroom. No toilet shall be located in any room or space used for the preparation of food, nor shall a room containing a toilet open directly into any such room or space unless the toilet room has a tight-fitting door.

- B. Hotels. Every hotel that does not provide private toilets, lavatories, bathtubs, or showers shall have on each floor, accessible from a public hallway, at least one (1) toilet, one (1) lavatory, and one (1) bathtub with shower or one (1) separate shower for each ten (10) occupants or portion thereof. For each additional ten (10) occupants, or portion thereof, an additional one (1) toilet, one (1) lavatory and one (1) bathtub with shower or separate shower accessible from a public hallway shall be provided.
- C. Other Buildings. Every building, other than a hotel, containing housing units that do not have private toilets, lavatories and bathtubs or showers shall contain at least one (1) toilet, one (1) lavatory and one (1) bathtub or shower, accessible from a public hallway, for each eight (8) occupants or portion thereof. On floors with fewer than eight (8) housing units, the required sanitary facilities may be provided on an adjacent floor if the floor on which facilities are provided is directly and readily accessible to such occupants and if such use does not cause the facilities to be used by a total of more than eight (8) persons.
- D. Kitchens. Every dwelling unit shall have a kitchen. Every kitchen shall have an approved kitchen sink, hot and cold running water, counter work-space, and cabinets for storage of cooking utensils and dishes. A kitchen shall also have approved cooking appliances and refrigeration facilities or adequate space and approved gas or electric hookups for their installation. All cooking appliances and refrigeration facilities shall be maintained in a safe and good working condition by the owner or furnisher of the appliance. Unapproved cooking appliances shall be prohibited. Splash backs and countertops shall have an impervious surface.
- E. Fixtures. All plumbing fixtures shall be trapped and vented and connected to an approved sanitary sewer or to an approved private sewage disposal system. All toilets shall be flush type and in good working order. Every discharge opening of the spout of a water supply outflow (faucet) shall be not less than one inch (1") above the flood rim of the fixture into which it discharges.
- F. Water Supply. There shall be an approved system of water supply, providing both hot and cold running water. Hot water for the required sink, lavatory, and bathtub or shower shall be provided at a temperature of not less than one hundred degrees Fahrenheit (100° F.) at all times at the fixture outlet, to be attained within approximately two (2) minutes after opening the fixture outlet. Prior to a new tenant occupying of a housing unit in which hot water is supplied from an accessible, individual water heater, the water heater shall be set by

the owner at a temperature not higher than one hundred twenty degrees Fahrenheit (120 F.°) or the minimum setting on any water heater which cannot be set at one hundred twenty degrees Fahrenheit (120° F.); provided, that buildings, other than dwellings, in which hot water is supplied by a central water-heater system need not comply with this requirement.

- G. Maintenance. All sanitary facilities, fixtures, equipment, structures, and premises, including gas piping, shall be maintained in a safe and sanitary condition, and in good working order.
- H. Fuel Shutoff Valves. An approved accessible shutoff valve shall be installed in the fuel-supply piping outside of each appliance and ahead of the union connection thereto, and in addition to any valve on the appliance. Shutoff valves shall be within three feet (3') of the appliance. Shutoff valves may be located immediately adjacent to and inside or under an appliance when placed in an accessible and protected location and when such appliance may be removed without removal of the shutoff valve.

Minimum Structural Standards

22.206.060 General.

Roofs, floors, walls, chimneys, fireplaces, foundations and all other structural components of buildings shall be reasonably decay-free and shall be capable of resisting any and all normal forces and loads to which they may be subjected.

22.206.070 Shelter.

Every building shall be protected so as to provide shelter for the occupants against the weather. Every basement used for human habitation shall be dry; and habitable rooms therein shall conform to all requirements of size, lighting and ventilation. No portion of a basement, or building used for human habitation shall have dirt floors.

22.206.080 Maintenance.

- A. Every foundation, roof, exterior wall, door, skylight, window, and all building components shall be reasonably weathertight, watertight, damp-free and rodent-proof, and shall be kept in a safe, sound and sanitary condition and in good repair.
- B. All appurtenant structures, floors, floor coverings, interior walls and ceilings shall be kept in a safe, sound and sanitary condition and in good repair.
- C. Any repair or removal of asbestos materials shall comply with regulations of the Environmental Protection Agency and the Puget Sound Air Pollution Control Agency.
- D. Underfloor areas other than basements shall have adequate ventilation. The ventilation opening shall be provided in exterior walls and shall be screened. The total ventilation opening shall be at least equal to one-tenth (1/10) of one percent (1%) of the underfloor area. Ventilation openings shall be located so as to insure a cross-current of air. These openings may be equipped

with an approved, thermally operated damper device.

- E. An attic access opening shall be provided in the ceiling of the top floor of buildings with combustible ceiling or roof construction. The opening shall be readily accessible, and shall have dimensions of not less than twenty inches (20") by twenty-four inches (24").
- F. Toxic paint and other toxic materials shall not be used in areas readily accessible to children.
- G. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other approved protective covering or treatment.
- H. All premises shall be graded and drained, and all premises and structures shall be free of standing water and maintained in a safe condition.
- I. All additions, alterations or repairs, including but not limited to additions, alterations or repairs made in response to a notice of violation, shall comply with the provisions of the Seattle Building, Electrical and Mechanical Codes in effect at the time of the work unless a different standard is expressly permitted by this Code.

Minimum Mechanical Standards

22.206.090 Heating.

- A. Minimum Heating Equipment. Every housing unit shall have permanently installed, functioning heating facilities and an approved power or fuel supply system which are capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65°) measured at a point three feet (3') above the floor in all habitable rooms, baths and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24° F.) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24° F.), the permanently installed, functioning heating facility and approved power or fuel supply system must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58° F.), measured at a point three feet (3') above the floor, in all habitable rooms, baths and toilet rooms.
- B. Heating Devices. All heating devices and appliances, including but not limited to furnaces, fireplaces, electric baseboard heaters and water heaters, shall be of an approved type, in good and safe working order, and shall meet all installation and safety codes. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source provided that such heaters shall not be located in any sleeping room or bathroom, as provided by SMC Chapter 22.400 Section 807(a). Ventilation for rooms and areas containing fuel-burning appliances shall be adequate for proper combustion.

22.206.100 Ventilation equipment.

Ventilating equipment or shafts shall be of an approved type and maintained in a safe manner. Where mechanical ventilation is provided in lieu of the natural ventilation pursuant

to Section 22.206.040, the mechanical system shall be safe and shall be maintained in good working order during the occupancy of any building.

22.206.110 Electrical equipment.

- A. All electrical equipment, wiring and appliances shall be of an approved type, installed in accordance with applicable provisions of the Seattle Electrical Code in effect at the time of installation, unless otherwise specified in this Code, and safely maintained.
- B. Every habitable room, except kitchens, shall be provided with not less than two (2) electrical receptacle outlets, or one (1) receptacle outlet and one (1) supplied electric light fixture.
- C. Every kitchen shall be provided with not less than three (3) electrical receptacle outlets and one (1) supplied light fixture. One (1) electrical appliance receptacle outlet properly installed as a part of a lawfully installed electric or gas kitchen range shall be accepted in lieu of one (1) of the required receptacle outlets in a kitchen. In all cases, at least one (1) of the wall-mounted receptacle outlets shall not be obscured, either partially or otherwise by floor-mounted appliances.
- D. Every toilet room, bathroom, laundry room, furnace room, public hallway, porch, and flight of stairs between stories shall contain at least one (1) supplied electric light fixture. Where an interior stairway or public hallway changes direction, more than one (1) supplied electric light fixture may be required to provide sufficient lighting for safe exit. Such required light fixture or fixtures shall be located so as to provide sufficient lighting for safe exit.

22.206.120 Maintenance.

All mechanical facilities, fixtures, equipment and structures shall be maintained in a safe condition and in good operating order.

Minimum Fire and Safety Standards

22.206.130 Requirements.

A. Stair and Stairway Construction.

- 1. All stairs, except stairs to inaccessible service areas, exterior stairs on grade and winding, circular or spiral stairs shall have a minimum run of nine inches (9") and a maximum rise of eight inches (8") and a minimum width of thirty inches (30") from wall to wall. The rise and run may vary no more than one-half inch (½") in any flight of stairs.
- 2. All exterior stairs on grade and winding, circular and spiral stairs shall be in good repair and shall be configured for safe use and travel.
- 3. Every stairway having more than three (3) risers, except stairs to inaccessible service areas, shall have at least one (1) handrail mounted at least twenty-eight inches (28") but no more than forty-

two inches (42") above the tread nose.

- 4. A landing having a minimum horizontal dimension of thirty inches (30") shall be provided at each point of access to a stairway; provided, that stairs to an inaccessible service area need not have such a landing. A door that swings away from a stairway is considered to have created a landing in the area of its swing.
 - 5. Every required stairway shall have headroom clearance of not less than six feet six inches (6'6") measured vertically from the nearest tread nose to the nearest soffit.
 - 6. Stairs or ladders within an individual dwelling unit used to gain access to intermediate floor areas of less than four hundred (400) square feet and not containing the primary bathroom or kitchen are exempt from the requirements of this subsection A.
- B. Number of Exits.**
- 1. Occupied floors containing one (1) or more housing unit(s) above the first floor or on any floor where the means of egress does not discharge within four feet (4'), measured vertically, of adjacent ground level shall have access to not less than two (2) unobstructed exits that meet the standards of SMC Section 22.206.130; provided, that:
 - a. Housing units may have a single exit if located on a second floor that has an occupant load of not more than ten (10) persons or in a basement that has an occupant load of not more than ten (10) persons; or
 - b. A housing unit may have a single exit if the exit leads directly to a street, alley, other public right of way or yard
 - (1) At ground level; or
 - (2) By way of an exterior stairway; or
 - (3) By way of an enclosed stairway with a fire-resistant rating of one (1) hour or more that serves only that housing unit and has no connection with any other floor below the floor of the housing unit being served or any other area not a part of the housing unit being served; or
 - c. Housing units above the first floor or in a basement may have one (1) exit if:
 - (1) An approved automatic fire-sprinkler system is provided for exit ways and common areas in the building, or
 - (2) Built to the single exit requirements of Code Alternate 1004.2b of the 1997 Seattle Building Code, adopted by Ordinance 119079, or the single exit provisions of the building code in effect when the building was constructed, altered, rehabilitated or repaired, whichever is least restrictive.
 - 2. Floors other than those containing housing units

shall meet the exit standards of the building code in effect when the building, structure or premises was constructed or, if altered, rehabilitated or repaired, shall meet the exit standards in effect when the floor was altered, rehabilitated or repaired.

3. If two (2) exits are required, a fire escape that meets the standards of subsection D may be used as one (1) of the required exits.

C. Stairway Enclosures.

1. The standards for stairway enclosures are as follows:
 - a. The walls of all portions of a stairway enclosure shall be at least one (1) hour fire-resistive construction. Materials fastened to walls or floors of stairway enclosures shall comply with the 1997 Seattle Building Code adopted by Ordinance 119079, Section 804; provided, that:
 - (1) Existing partitions forming part of a stairway enclosure shall be permitted in lieu of one (1) hour fire-resistive construction if they are constructed of lath and plaster that is not cracked, loose or broken; or
 - (2) Existing wainscoting and other decorative woodwork that was lawful at the time of installation is permitted if it is coated with an approved fire-retardant.
 - b. Each opening onto a stairway enclosure shall be protected by a self-closing door and latching assembly providing fire-resistance equivalent to that provided by a solid wood door and assembly at least one and three-fourths inches (1-3/4") thick.
2. Stairway enclosures need not meet the above standards if:
 - a. A lawfully installed automatic fire-extinguishing system is provided for all corridors, stairs and common areas within the building;
 - b. The stairway enclosure connects to only two (2) floors and is not connected to corridors or stairways serving other floors; or
 - c. The stairway enclosure is in a dwelling unit.

- D. Fire Escapes. An existing fire escape that is structurally sound may be used as one (1) means of egress, provided that the pitch does not exceed sixty degrees (60°), the width is not less than eighteen inches (18"), the run of the treads is not less than four inches (4"), and the fire escape extends to the ground or is provided with counterbalanced stairs reaching to the ground. Access to a fire escape shall be from an opening having a minimum dimension of twenty-nine inches (29") in all directions when open. The sill of a fire escape window shall be no more than thirty inches (30") above the floor and the exterior landing.

E. Corridors, Doors and Openings.

1. Corridors shall have a fire-resistance not less than that of wood lath and plaster that is not cracked, loose or broken.
2. Existing dead-end corridors longer than thirty feet

(30') that serve housing units shall be eliminated, unless an approved automatic sprinkler system is lawfully installed throughout the affected corridor, or unless approved smoke detectors are lawfully installed outside the door of each housing unit whose corridor exit door is located beyond the thirty-foot (30') limitation. The detectors may be self-contained or installed as part of the electrical system.

3. Exit doors shall be self-closing, self-latching, and when serving an occupant load of fifty (50) or more shall swing in the direction of exit travel. Exit doors from housing units that do not open directly into a stairway enclosure are exempt from these requirements if they were installed and are maintained in accordance with safety codes and ordinances in effect at the time of installation.
 4. Exit doors shall be openable from the inside without the use of a key or other special device, knowledge or effort.
 5. All doors opening into a corridor and not included as part of a stairway enclosure shall be of solid wood at least one and three-eighths inches (1-3/8") inches thick, or shall provide equivalent fire-resistance, except that doors opening directly to the outside, and doors in buildings where a lawfully installed automatic fire-sprinkler system is provided throughout all exitways and other public rooms and areas within the building need not meet this standard.
 6. Transoms and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of five-eighths-inch (5/8") gypsum Type "X" wallboard on both sides.
 7. Gravity-closing metal overhead or pocket doors in an exit path shall be removed or shall be permanently secured in the open position.
 8. All corridor walls, floors and ceilings shall be of one (1) hour fire-resistive construction, or shall be repaired in accordance with codes and ordinances in effect at the time the corridor was constructed.
- F. Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign or placard having green, legible letters at least five inches (5") high.
- G. Enclosure of Vertical Openings.
1. Elevator shafts and other vertical openings shall be protected with construction as required for stairway enclosures in subsection C1 or by fixed wire-glass set in steel frames, or by assemblies that comply with Chapter 7 of the 1997 Seattle Building Code adopted by Ordinance 119079.
 2. Doors on vertical openings shall be of solid wood at least one and three-eighths inches (1-3/8") thick or shall provide equivalent fire resistance.
- H. Separation of Occupancies. Occupancy separations shall be provided as specified in Section 302 and Table 3-B of the 1997 Seattle Building Code adopted by Ordinance 119709.

- I. Guardrails. A guardrail shall be provided whenever walking surfaces, including stairs, are thirty inches (30") or more above adjacent surfaces, except in building service areas. Every guardrail shall be at least thirty-six inches (36") in height unless it is an existing guardrail that was in compliance with the standards in effect at the time the guardrail was constructed, is in good condition, and is between twenty-eight (28) and forty-two (42) inches in height. Open guardrails shall have intermediate rails.
- J. Emergency Escape Windows and Doors.
 - 1. Every room below the fourth story that was constructed for, converted to or established for sleeping purposes after August 10, 1972, shall have at least one (1) operable window or exterior door approved for emergency escape or rescue.
 - 2. Emergency escape windows and doors shall not open into an area without a means of escape. The emergency escape window or door shall be operable from the inside to provide a full clear opening without the use of separate tools. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four inches (24"). The minimum net clear openable width dimension shall be twenty inches (20"). When a window is provided as a means of escape or rescue, it shall have a finished sill height not more than forty-four inches (44") above the floor.
 - 3. Every room below the fourth story used for sleeping purposes that had on January 1, 1990 an operable window or door that met the requirements of Section 1204 of the 1985 Seattle Building Code adopted by Ordinance 113700 and 113701, as amended, for emergency escape or rescue, regardless of the date of construction of the building, shall maintain that operable window or door as required by subsection J2.
- K. Bars, grilles, grates or similar devices may be installed on emergency escape windows or doors, provided:
 - 1. Such devices are equipped with approved release mechanisms that are operable from the inside without the use of a key or special knowledge or effort; and
 - 2. The building is equipped with smoke detectors as required by this Code.
- L. Dwellings are exempt from the requirements of subsections B through H of this section; provided, that for purposes of this subsection, no building containing residential and commercial uses or other similar mixed uses is considered a dwelling.

Minimum Security Standards

22.206.140 Requirements.

- A. The following requirements shall apply to housing units and buildings which contain housing units, except detached single-family dwellings, to provide a reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.
 - 1. All building entrance doors, except building entrance doors which open directly into a single housing unit, shall be self-closing, self-locking, and equipped with a deadlatch with at least a one-half inch (1/2") throw which penetrates the striker at least one-quarter inch (1/4"); provided, that the main entrance door need not be self-locking if an attendant is present and on duty twenty-four (24) hours per day.
 - 2. All building entrance doors, other than a main entrance door which opens into a common area, shall be solid or, if provided with glazed openings, shall have wire or grilles to prevent operation of the door latch from outside by hand or instrument. Main entrance doors which open into a common area may be framed or unframed non-shattering glass or framed one-quarter inch (1/4") plate glass.
 - 3. When garage-to-exterior doors are equipped with an electrically operated remote control device for opening and closing, garage-to-building doors need not be self-locking. When either the garage-to-exterior doors or garage-to-building doors are equipped for self-closing and self-locking, the other need not be so equipped.
 - 4. Entrance doors from interior corridors to individual housing units shall not have glass openings and shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one and three-eighths inches (1-3/8") thick.
 - 5. Every entrance door to an individual housing unit shall have a dead bolt or deadlatch with at least a one-half-inch (1/2") throw which penetrates the striker not less than one-quarter inch (1/4"). The lock shall be so constructed that the dead bolt or deadlatch may be opened from inside without use of a key. In hotels and other multi-unit buildings that provide housing for rent on a daily or weekly basis, every entrance door to individual units shall have a chain door guard or barrel bolt on the inside.
 - 6. Every entrance door to an individual housing unit, other than transparent doors, shall have a visitor-observation port which port shall not impair the fire-resistance of the door. Observation ports shall be installed at a height of not less than fifty-four inches (54") and not more than sixty-six inches (66") above the floor.
 - 7. In all leased or rented housing units in buildings other than hotels and other multi-unit buildings having transient occupancies, lock mechanisms and keys shall be changed upon a change of tenancy, except that such change of locks and keys will not be required where an approved proprietary key system is used.
 - 8. All building entrance doors shall be openable from

the interior without use of keys.

9. Doors to storage, maintenance and building service rooms shall be self-closing and self-locking.
 10. Dead bolts or other approved locking devices shall be provided on all sliding patio doors and installed so that the mounting screws for the lock cases are inaccessible from the outside.
 11. Openable windows shall be equipped with operable inside latching devices, except that this requirement shall not apply to any window whose sill is located ten (10) or more feet above grade or above any deck, balcony or porch that is not readily accessible from grade except through a single housing unit.
 12. Where private baths and toilets are not provided in each housing unit, doors to community toilets and bathrooms shall be self-closing, and in lieu of a self-locking device, may be equipped with a dead bolt having a minimum one-inch (1") throw. Tenants shall be furnished with a key for this lock.
 13. Windows may be located adjacent to and within the wall plane of a building entrance door, but if located within twelve inches (12") of such door, as measured from a closed position, then such windows shall be made of either framed or unframed non-shattering glass, or glass with sufficient wire or grilles so as to make the glass visible and to prevent operation of the door latch from outside by either hand or instrument.
- B. The following requirements shall apply to detached single-family dwellings to provide reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.
1. Building entrance doors shall be capable of locking and shall be equipped with a dead bolt or deadlatch with at least a one-half-inch (1/2") throw which penetrates the striker not less than one-quarter inch (1/4"). The lock shall be so constructed that the dead bolt or deadlatch may be opened from the inside without use of a key.
 2. Windows may be located adjacent to and within the wall plane of an entrance door, but if located within twelve inches (12") of such door, as measured from a closed position, then such windows shall be made of either framed or unframed non-shattering glass, framed one-quarter-inch (1/4") plate glass, or glass with sufficient wire or grilles so as to both make the glass visible and prevent it from being used to operate the door latch from outside by either hand or instrument.
 3. Garage-to-exterior doors may be equipped with a remote-control electrically operated opening and closing device in lieu of a deadlatch. When garage-to-exterior doors are equipped with such remote-control devices, garage-to-building doors need not be locking.
 4. Every entrance door shall have a visitor-observation port or glass side light. Observation ports shall be installed at a height of not less than fifty-four

inches (54") and not more than sixty-six (66") from the floor.

5. Dead-bolts or other approved locking devices shall be provided on all sliding patio doors and openable windows and shall be installed so that the mounting screws for the lock cases are inaccessible from the outside, except that locks shall not be required on any window whose sill is located ten (10) or more feet above grade or above any deck, balcony or porch that is not readily accessible from grade except through the building.
- C. Subject to approval by the Director, alternate security devices may be substituted for those required herein if the devices are equally capable of resisting illegal entry, and installation of the devices does not conflict with the requirements of this Code or the requirements of other ordinances regulating safe exits.

Duties of Owners and Tenants

22.206.150 General.

Notwithstanding the provisions of any rental agreements or contracts to the contrary, there are hereby imposed on owners and tenants certain duties with respect to the use, occupancy, and maintenance of buildings.

22.206.160 Duties of owners.

- A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:
1. Remove all garbage, rubbish and other debris from the premises;
 2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;
 3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3;
 4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety or general welfare of the occupants or the public;
 5. Remove vegetation and debris as required by Section 10.52.030;
 6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;
 7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in

a safe condition, except for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building; provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;

8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not appropriate. Numbers shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be no less than two (2) inches high;
 9. Maintain the building in compliance with the requirements of Section 3402.1* of the Seattle Building Code [*Section 3403.1 in the 2006 Seattle Building Code];
 10. Comply with any emergency order issued by the Department of Planning and Development; and
 11. Furnish tenants with keys for the required locks on their respective housing units and building entrance doors.
- B. It shall be the duty of all owners of buildings that contain rented housing units, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:
1. Maintain in a clean and sanitary condition the shared areas, including yards and courts, of any building containing two (2) or more housing units;
 2. Supply enough garbage cans or other approved containers of sufficient size to contain all garbage disposed of by such tenants;
 3. Maintain heat in all occupied habitable rooms, baths and toilet rooms at an inside temperature, as measured at a point three feet (3') above the floor, of at least sixty-five degrees Fahrenheit (65° F) between the hours of seven a.m. (7:00 a.m.) and ten-thirty p.m. (10:30 p.m.) and fifty-eight degrees Fahrenheit (58° F) between the hours of ten-thirty p.m. (10:30 p.m.) and seven a.m. (7:00 a.m.) from September 1st until June 30th, when the owner is contractually obligated to provide heat;
 4. Install smoke detectors on the ceiling or on the wall not less than four inches (4") nor more than twelve inches (12") from the ceiling at a point or points centrally located in a corridor or area in each housing unit and test smoke detectors when each housing unit becomes vacant;
 5. Make all needed repairs or replace smoke detectors with operating detectors before a unit is reoccupied; and
 6. Instruct tenants as to the purpose, operation and maintenance of the detectors.
- C. Just Cause Eviction.
1. Pursuant to provisions of the state Residential

Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). In addition, owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner can prove in court that just cause exists. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this section:

- a. The tenant fails to comply with a three (3) day notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten (10) day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three (3) day notice to vacate for waste, nuisance (including a drug-related activity nuisance pursuant to RCW Chapter 7.43) or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);
- b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four (4) or more times in a twelve (12) month period;
- c. The tenant fails to comply with a ten (10) day notice to comply or vacate that requires compliance with a material term of the rental agreement or that requires compliance with a material obligation under RCW 59.18;
- d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten (10) day notice to comply or vacate three (3) or more times in a twelve (12) month period;
- e. The owner seeks possession so that the owner or a member of his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building. "Immediate family" shall include the owner's domestic partner registered pursuant to Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There shall be a rebuttable presumption of a violation of this subsection if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least sixty (60) consecutive days during the ninety (90) days immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the cause for eviction;
- f. The owner elects to sell a single-family dwelling unit and gives the tenant at least sixty

- (60) days written notice prior to the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month to month, with the last day of a monthly period. For the purposes of this section, an owner “elects to sell” when the owner makes reasonable attempts to sell the dwelling within thirty (30) days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if: (i) within thirty (30) days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or (ii) within ninety (90) days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;
- g. The tenant’s occupancy is conditioned upon employment on the property and the employment relationship is terminated;
 - h. The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation license if required by SMC Chapter 22.210 and at least one (1) permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the tenancy. Any tenants dispossessed pursuant to this provision shall be notified in writing by the owner at the time of vacating the unit that the tenant has a right of first refusal for the rehabilitated unit. The owner shall notify the tenant in writing, mailed by regular mail to the last address provided by the tenant, when the unit is ready to be reoccupied, and the tenant shall exercise such right of first refusal within thirty (30) days of the owner’s notice;
 - i. The owner elects to demolish the building, convert it to a condominium or a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by SMC Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy;
 - j. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 of the Seattle Municipal Code after receipt of a notice of violation thereof. The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:
 - i. Two Thousand Dollars (\$2,000.00) for a tenant household with an income during the past twelve (12) months at or below fifty percent (50%) of the County median income, or
 - ii. Two (2) months’ rent for a tenant household with an income during the past twelve (12) months above fifty percent (50%) of the County median income;
 - k. The owner seeks to reduce the number of individuals residing in a dwelling unit to comply with the maximum limit of individuals allowed to occupy one (1) dwelling unit, as required by SMC Title 23, and:
 - i. (A) The number of such individuals was more than is lawful under the current version of SMC Title 23 or Title 24 but was lawful under SMC Title 23 or 24 on August 10, 1994,
 - (B) That number has not increased with the knowledge or consent of the owner at any time after August 10, 1994, and
 - (C) The owner is either unwilling or unable to obtain a permit to allow the unit with that number of residents,
 - ii. The owner has served the tenants with a thirty (30) day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit,
 - iii. After expiration of the thirty (30) day notice, the owner has served the tenants with and the tenants have failed to comply with a ten (10) day notice to comply with the limit on the number of occupants or vacate, and
 - iv. If there is more than one (1) rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the owner’s option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;
 - l. i. The owner seeks to reduce the number of individuals who reside in one (1) dwelling unit to comply with the legal limit after receipt of a notice of violation of the SMC Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:
 - (A) The owner has served the tenants with a thirty (30) day notice, informing the tenants that the number of tenants

- exceeds the legal limit and must be reduced to the legal limit; provided that no thirty (30) day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner,
- (B) After expiration of the thirty (30) day notice required by subsection (A) above, or at any time after receipt of the notice of violation if no thirty (30) day notice is required pursuant to subsection (A), the owner has served the tenants with and the tenants have failed to comply with a ten (10) day notice to comply with the maximum legal limit on the number of occupants or vacate, and
 - (C) If there is more than one (1) rental agreement for the unit, the owner may choose which agreements to terminate; provided that the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit.
- ii. For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:
 - (A) Two Thousand Dollars (\$2,000.00) for a tenant household with an income during the past twelve (12) months at or below fifty percent (50%) of the County median income, or
 - (B) Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty percent (50%) of the County median income;
 - m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to SMC Section 23.44.041 after receipt of a notice of violation of the development standards provided in that section. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:
 - i. Two Thousand Dollars (\$2,000.00) for a tenant household with an income during the past twelve (12) months at or below fifty percent (50%) of the County median income, or
 - ii. Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty percent (50%) of the County median income;
 - n. An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to SMC Section 22.206.260 and the emergency conditions identified in the order have not been corrected;
 - o. The owner seeks to discontinue sharing with a tenant the owner's own housing unit, i.e., the unit in which the owner resides, or seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to SMC Section 23.44.041 that is accessory to the housing unit in which the owner resides, so long as the owner has not received a notice of violation of the development standards of SMC Section 23.44.041 regarding that unit. If the owner has received such a notice of violation, subsection m applies;
 - p. A tenant, or with the consent of the tenant, his or her subtenant, sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Department of Planning and Development has recorded receipt of a copy of the notice of termination.

For purposes of this subsection a person has "engaged in criminal activity" if he or she:

 - i. Engages in drug-related activity that would constitute a violation of RCW Chapters 69.41, 69.50 or 69.52, or
 - ii. Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.
- 2. Any rental agreement provision which waives or purports to waive any right, benefit or entitlement created by this subsection C shall be deemed void and of no lawful force or effect.
 - 3. With any termination notices required by law, owners terminating any tenancy protected by this section shall advise the affected tenant or tenants in writing of the reasons for the termination and the facts in support of those reasons.
 - 4. If a tenant who has received a notice of termination of tenancy claiming subsection 1e, 1f, or 1m of this

section as the ground for termination believes that the owner does not intend to carry out the stated reason for eviction and makes a complaint to the Director, then the owner must, within ten (10) days of being notified by the Director of the complaint, complete and file with the Director a certification stating the owner's intent to carry out the stated reason for the eviction. The failure of the owner to complete and file such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction action based on this ground.

5. In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no just cause for such eviction or termination as provided in this section.
6. It shall be a violation of this section for any owner to evict or attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any tenant using a notice which references subparagraphs 1e, 1f, 1h, 1k, 1l, or 1m of this subsection C as grounds for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy.
7. An owner who evicts or attempts to evict a tenant or who terminates or attempts to terminate the tenancy of a tenant using a notice which references subparagraphs 1e, 1f, or 1h of this subsection C as the ground for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy shall be liable to such tenant in a private right for action for damages up to Two Thousand Dollars (\$2,000.00), costs of suit or arbitration and reasonable attorney's fees.

22.206.170 Duties of tenants.

It shall be the duty of every tenant to:

- A. Maintain in a clean and sanitary condition the part or parts of the building and the premises occupied or controlled by the tenant;
- B. Store and dispose of all garbage and rubbish in a clean, sanitary and safe manner in garbage cans or other approved containers provided by the owner;
- C. Comply with reasonable requests of the owner for the prevention or elimination of infestation, including granting reasonable access for extermination or preventive measures by the owner;
- D. Exercise reasonable care in the use and operation of electrical and plumbing fixtures and maintain all sanitary facilities, fixtures and equipment in a clean and sanitary condition;
- E. Within a reasonable time, repair or pay for the reasonable cost of repair of all damage to the building caused by the negligent or intentional act of the tenant or the invitees or licensees of the tenant;
- F. Grant reasonable access to the owner of the building for the purpose of inspection by the Director, or main-

tenance or repairs by the owner in the performance of any duty imposed on the owner by this Code;

- G. Refrain from placing or storing in the building or on the premises thereof any article, substance or material imminently dangerous to the health, safety or general welfare of any occupant thereof or of the public, or which may substantially contribute to or cause deterioration of the building; and
- H. Test according to manufacturer's recommendations and keep in good working condition all smoke detectors in the dwelling unit required by law.

22.206.180 Prohibited acts by owners.

- A. Except as otherwise required or allowed by this Code or by the Residential Landlord Tenant Act, Chapter 59.18 RCW, it is unlawful for any owner to:
 1. Change or temper with any lock or locks on a door or doors used by the tenant; or
 2. Remove any door, window, fuse box, or other equipment, fixtures, or furniture; or
 3. Request, cause or allow any gas, electricity, water or other utility service supplied by the owner to be discontinued; or
 4. Remove or exclude a tenant from the premises except pursuant to legal process; or
 5. Evict, increase rent, reduce services, increase the obligations of a tenant or otherwise impose, threaten or attempt any punitive measure against a tenant for the reason that the tenant has in good faith reported violations of this Code to the Department of Planning and Development or to the Seattle Police Department, or otherwise asserted, exercised or attempted to exercise any legal rights granted tenants by law and arising out of the tenant's occupancy of the building; or
 6. Enter a tenant's housing unit or premises except:
 - a. At reasonable times with the tenant's consent, after giving the tenant:
 - i. At least two (2) days' notice of intent to enter for the purpose of inspecting the premises, making necessary or agreed repairs, alterations or improvements, or supplying necessary or agreed services; or
 - ii. At least one (1) day's notice for the purpose of exhibiting the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers or contractors; or
 - b. In an emergency; or
 - c. In case of abandonment as defined by state law; or
 7. Prohibit a tenant or the tenant's authorized agent or agents, if accompanied by the tenant, from engaging in the following activities when related to building affairs or tenant organizations:
 - a. Distributing leaflets in a lobby and other common areas and at or under tenants' doors;
 - b. Posting information on bulletin boards, pro-

vided that tenants comply with all generally applicable rules of the landlord governing the use of such boards. Such rules cannot specifically exclude the posting of information related to tenant organizing activities if the rules permit posting of other types of information by tenants;

- c. Initiating contact with tenants;
- d. Assisting tenants to participate in tenant organization activities;
- e. Holding meetings, including political caucuses or forums for speeches of public officials or candidates for public office, unattended by management, conducted at reasonable times and in an orderly manner on the premises, held in any community rooms or recreation rooms if these rooms are open for the use of the tenants; provided that the tenant complies with all other generally applicable rules of the landlord governing the use of such rooms. Any generally applicable rules must be written and posted in or near such a room. If a community or recreation room is not available, meetings may take place in common areas, which include a laundry room, hallway or lobby; provided all generally applicable rules of the landlord governing such common areas and applicable fire and safety codes are followed.

B. The following rebuttable presumptions shall apply in any proceeding to collect a civil penalty for violation of Section 22.206.180 A5.

- 1. Any owner who takes any action listed in Section 22.206.180 A5 within ninety (90) days after a tenant has in good faith reported violations of this Code (SMC Chapter 22.206) to the Department of Planning and Development or to the Seattle Police Department, or otherwise asserted, exercised or attempted to exercise any legal rights granted tenants by law and arising out of a tenant's occupancy of the building, or within ninety (90) days after any inspection or proceeding by a governmental agency resulting from such legal right asserted, exercised or attempted to be exercised by a tenant, creates a rebuttable presumption affecting the burden of proof that the action was taken for the reason that the tenant had in good faith reported violations of this Code to the Department of Planning and Development or to the Seattle Police Department or otherwise asserted, exercised or attempted to exercise any legal rights granted the tenant by law; except that, if at the time an owner gives a notice of termination of tenancy pursuant to Chapter 59.12 RCW, the tenant is in arrears in rent or in breach of any other lease or rental obligation, there is a rebuttable presumption that the landlord's action is neither a reprisal nor retaliatory action against the tenant.
- 2. A tenant who makes a complaint or report to a

governmental authority about an owner or owner's property within ninety (90) days after notice of a proposed increase in rent or other action in good faith by the owner creates a rebuttable presumption that the complaint or report was not made in good faith, unless the complaint or report was that the proposed increase in rent or other action was unlawful, in which case no such presumption applies.

- 3. The rebuttable presumption under Section 22.206.180 B1 shall not apply with respect to an increase in rent if the owner, in a notice to the tenant of an increase in rent, specifies reasonable ground for said increase and the notice of said increase does not violate SMC Section 7.24.030 A. (Ord. 120302 § 2, 2001: Ord. 113545 § 5(part), 1987.)

22.206.190 Harassing or retaliating against owner.

It is unlawful for any tenant to harass or retaliate against an owner or to interfere with an owner's management and operation of a building or premises by committing any of the following acts:

- A. Adding or tampering with any lock;
- B. Removing or otherwise interfering with any supplied equipment, fixtures, furniture or services;
- C. Wilfully damaging or causing others to damage the building or premises.

22.206.200 Minimum standards for vacant buildings.

A. Maintenance Standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080 A, B, C, G, H and I; 22.206.130 I; 22.206.160 A1, 3, 4, 5, 6 and 8 except when different standards are imposed by this section.

- 1. Sanitary Facilities.
 - a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.
 - b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.
 - c. Plumbing fixtures not connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall either be connected to an approved system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.
- 2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they shall be removed and the services termi-

- nated in accordance with applicable codes.
3. Safety From Fire.
 - a. No vacant building or premises or portion thereof shall be used for the storage of flammable liquids or other materials that constitute a safety or fire hazard.
 - b. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be removed or terminated in accordance with applicable codes.
 4. All vacant buildings and their accessory structures shall meet the following standards:
 - a. All windows shall have intact glazing or plywood of at least one-quarter inch (1/4") thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely nailed using 6D galvanized nails or woodscrews spaced not more than nine inches (9") on center.
 - b. Doors and service openings with thresholds located ten feet (10') or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-eighths inches (1-3/8") thick equipped with a one-half inch (1/2") throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.
 - c. There shall be at least one (1) operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a one-half inch (1/2") deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of three-quarter inch (3/4") CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.
 - d. All debris, combustible materials, litter and garbage shall be removed from vacant buildings, their accessory structures and adjoining yard areas. The building and premises shall be maintained free from such items.
 - e. The Director may impose additional requirements for the closure of a vacant building, including but not limited to installation of three-quarter inch (3/4") plywood, brick or metal coverings over exterior openings, when the standards specified in subparagraphs 4a through 4d above are inadequate to secure the building:
 - i. Due to the design of the structure, or
 - ii. When the structure has been subject to two (2) or more unauthorized entries after closure pursuant to the standards specified above, or
 - iii. When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subparagraphs 4a through 4d above.
 5. If a building component of a vacant building or a structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.
 6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with three-quarter inch (3/4") plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least six inches (6"). If a hole in a wall presents a hazard, the hole shall be covered with one-half inch (1/2") Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least six inches (6"). Covers for both floor and wall holes shall be securely attached.
- B. Occupying or Renting Vacant Buildings. After a notice of violation, order or emergency order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause, suffer, or allow any person to use or occupy or rent any vacant building unless a certificate of compliance has been issued in accordance with Section 22.206.250. This section does not prohibit or make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the dwelling are rented or leased.
 - C. Compliance With Other Provisions of this Code and Other Codes. Buildings subject to regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter 22.220, may not be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a building must comply with the just cause eviction requirements of Section 22.206.160 C of this Code.
 - D. Termination of Utilities. The Director may, by written notice to the owner and to the Director of Seattle Public Utilities, the Superintendent of City Light or the Washington Natural Gas Co., request that water, electricity, or gas service to a vacant building be terminated or disconnected.
 - E. Restoration of Service. If water, electricity or gas service has been terminated or disconnected pursuant to 22.206.200 D, no one except the utility may take any action to restore the service, including an owner or other

private party requesting restoration of service until a certificate of compliance has been issued in accordance with Section 22.206.250, or upon written notification by the Director that service may be restored. It shall be unlawful for anyone other than the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. or their duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated or disconnected as a result of a Director's notice issued pursuant to Section 22.206.200 D.

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation may be issued pursuant to Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.
2. Quarterly inspections shall cease at the earliest of the following:
 - a. When the building is repaired pursuant to the requirements of this Code and reoccupied;
 - b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or
 - c. When the building and any accessory structures have been demolished.
3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.
4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (Chapters 22.900A through 22.900G).

22.206.210 Removing posted notices.

Only the Director may remove or order the removal of any notice, complaint or order posted in accordance with this chapter prior to issuance of a certificate of compliance by the Director.

Alternative Materials and Design, Variances and Enforcement

22.206.215 Alternate materials and design.

- A. The provisions of this Code are not intended to prevent the use of any material not specifically prescribed by this Code, provided any alternate has been approved

and its use authorized by the Director. The Director may approve any such alternate provided he or she finds that it complies with the purpose and intent of this Code and is of at least equivalent suitability, strength, effectiveness, fire resistance, durability, safety and sanitation as that prescribed by this Code.

- B. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Director may grant modifications for individual cases, provided he or she first finds that a special individual reason makes compliance with the strict letter of this Code impractical and that the modification is in conformity with the intent and purpose of this Code and that such modification does not lessen any fire protection or safety requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Director.

22.206.217 Variances.

- A. The Director may grant a variance from the standards and requirements of SMC Sections 22.206.010 through 22.206.140 and Section 22.206.200 if the Director determines that all of the following conditions or circumstances exist:
1. Unusual conditions exist at the subject property which were not created by the current owner, tenant or occupant;
 2. The requested variance does not go beyond the minimum necessary to afford relief;
 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity;
 4. The literal interpretation and strict application of the applicable provisions or requirements of this Code would cause undue hardship or practical difficulties; and
 5. The requested variance would be consistent with the spirit and purpose of this Code.
- B. Application for and Processing of Variances.
1. The current owner or tenant of a building may request a variance on a form provided by the Department. The request must describe the standards or requirements of SMC Sections 22.206.010 through 22.206.140 or of SMC Section 22.206.200 from which a variance is requested and explain how the requested variance complies with subsections (1) through (5) of SMC Section 22.202.217 A. A variance request must contain the address of the property, the name and address of all persons having an interest in the property, and the names and addresses of all parties affected by the condition or conditions for which a variance is requested, including all property owners and occupants. The Director shall establish by Rule submittal requirements for a variance request.
 2. Upon receipt of a variance request, the Director shall contact the requestor to arrange the date

and time of an inspection to view the conditions for which the variance is sought and to ascertain compliance with subsections (1) through (5) of SMC Section 22.202.217 A. The inspection shall be conducted within thirty (30) days after a variance request is received, unless a later inspection is agreed to by the requestor. The Director also shall notify in writing all other persons identified in the variance request of the request and of the opportunity to submit information or comments on the request. Comments about a variance request must be received by the Department within twenty (20) days after the date of mailing the notification of a variance request.

- C. The Director shall decide whether to grant a variance within thirty (30) days after the inspection conducted pursuant to subsection B. When a variance is authorized, conditions or mitigating measures may be required as deemed necessary to ensure continued compliance with subsections (1) through (5) of SMC Section 22.202.217 A or to otherwise carry out the spirit and purpose of this Code. The variance decision shall be mailed to the requestor and to all affected parties identified in the written request for a variance and other interested parties who submitted information or comments about a variance request.
- D. Records. The Director shall maintain a record in Department files of all variance requests and decisions. The record shall include findings regarding compliance with the conditions of subsections (1) through (5) of SMC Section 22.202.217 A and any conditions or mitigating measures required by the Director in granting the variance.
- E. Appeal of Variance Decision. Any person with an ownership interest in a building or premises for which a variance request has been made, or any tenant of such property, may appeal the Director's decision on the variance by filing an appeal with the Hearing Examiner.
 - 1. Variance appeals shall be filed with the Hearing Examiner, with the applicable filing fee specified in SMC Section 3.02.125, by five (5:00) p.m. of the twentieth day following the mailing of the Director's decision. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. An appeal shall be deemed filed when it is actually received by the Hearing Examiner's Office. The Hearing Examiner's time and date stamp shall be prima facie evidence of filing.
 - 2. An appeal shall be in writing and shall state:
 - a. The name and address of the appellant;
 - b. The ownership or other interest of the appellant in the building or premises that is the subject of the variance decision;

- c. The names and addresses of all tenants or other occupants of the building or premises and, if the appellant is an owner of the property, of all other persons with an ownership or other interest in the building or premises;
 - d. The specific objections to the Director's decision;
 - e. The relief sought.
- 3. Notice of a hearing on the appeal shall be mailed by the Hearing Examiner at least twenty (20) days prior to the scheduled hearing date to the Director and to all affected parties identified pursuant to subsection (c) of SMC Section 22.206.217 E2.
 - 4. Appeals shall be considered de novo and shall be limited to objections raised in the appeal statement. The Director's decision shall be affirmed unless the Hearing Examiner finds the Director's decision to be clearly erroneous. The person requesting the variance shall have the burden of proving, by preponderance of the evidence, all elements related to justifying the variance.
 - 5. Within thirty (30) days after the hearing is conducted, the Hearing Examiner shall issued a decision on a variance appeal. The Hearing Examiner's decision shall be mailed to the appellant, the Director and to other affected parties on the day it is issued.
 - 6. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on judicial appeal. Any judicial review shall be as provided by RCW 36.70C and must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

22.206.220 Notice of violation.

- A. The Director is authorized to inspect any building or premises which the Director has reason to believe may not be in compliance with the standards and requirements of Sections 22.206.010 through 22.206.170, and Section 22.206.200. If the standards and requirements of Section 22.206.010 through 22.206.120, Sections 22.206.150 through 22.206.170 or of Section 22.206.200 have not been met, the Director may issue a notice of violation to the owner and/or other person responsible for the violation pursuant to this section. The notice of violation shall:
 - 1. Identify each violation of the standards and requirements of this Code and the corrective action necessary to bring the building and premises into compliance; and
 - 2. Specify a time for compliance.
- B. No Notice of Violation shall be issued as a result of an advisory inspection performed pursuant to SMC Section 22.202.035 unless the building is in condominium or cooperative ownership.
- C. If a notice of violation or order has been filed with the King County Department of Records and Elections , a

notice of violation or order for the same violation need not be served upon a new owner. If a new notice of violation is not issued and served upon a new owner, the Director shall grant the new owner the same number of days to comply with the notice of violation as was given the previous owner in the notice of violation. The compliance period shall be the number of days between the date of issuance of the notice of violation and the date for compliance stated in the text of the notice. The compliance period for the new owner shall begin on the date that the conveyance is completed.

- D. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service or by first class mail to the person's last known address. If the address of the responsible person is unknown and cannot be found after a reasonable search, the notice may be served by posting a copy of the notice in a conspicuous place on the property. If a notice of violation is directed to a tenant or other person responsible for the violation who is not the owner, a copy of the notice shall be sent to the owner of the property. Nothing in this section shall be deemed to limit or preclude any action or proceeding to enforce this chapter nor does anything in this section obligate the Director to issue a notice of violation prior to initiation of a civil or criminal enforcement action except as otherwise provided in Director's rules adopted pursuant to SMC chapter 22.202.
- E. In addition, a copy of the Notice or Order may be posted at a conspicuous place on the property.
- F. The Director may order that any other work in the building or on the premises be stopped until the violations in the Notice have been corrected if, in the Director's opinion, the continuation of other work will impair the owner's ability to comply with this Code in a timely manner.
- G. Nothing herein shall hinder or limit in any manner the Director's authority or ability to bring an action pursuant to Chapter 22.208 to abate an unfit building or premise or to issue an emergency order pursuant to Section 22.206.260.
- H. In addition to serving and posting the Notice or Order, the Director may mail or cause to be delivered to all housing and/or commercial rental units in the building a notice which informs each occupant of the Notice of Violation and the relevant requirements and procedures.
- I. In calculating a time for compliance, the Director shall consider:
 1. The type and degree of violations found;
 2. Applicable time limits for correction of similar violations provided in the State Landlord-Tenant Act, RCW Chapter 59.18;
 3. The responsible party's demonstrated intent to repair, demolish, or vacate and close the building. Evidence of the responsible party's intent may include, but is not limited to:
 - a. A signed construction contract with a licensed contractor to perform the required work by a specific date and for reasonable compensation;

- b. Proof of the availability of financial resources to perform the required work with such funds placed in a segregated account to be used only for required repairs or a binding commitment from an established lending institution providing sufficient funds to complete the required repairs;
 - c. The filing of a complete application for any permit required to perform the required work and evidence of payment of any required fees;
4. The procedural requirements for obtaining a permit to correct the violations;
 5. The complexity of the repairs, seasonal considerations, construction requirements and the legal prerogatives of tenants; and
 6. Circumstances beyond the control of the responsible person.

22.206.230 Review by the Director.

- A. Any party affected by a notice of violation issued pursuant to Section 22.206.220 may request a review of the notice by the Director. Such a request must be made in writing within ten (10) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day.
- B. Within seven (7) days of receipt of a review request the Director shall notify by mail the person requesting the review, any persons served the Notice of Violation, and any person who has requested notice of the review, of the request for a review and the deadline for submitting additional information. Additional information shall be submitted to the Director no later than fifteen (15) days after the notice of a request for a review is mailed, unless otherwise agreed by the person requesting the review.
- C. The Director or a representative of the Director who is familiar with the case and the applicable ordinances will review any additional information that is submitted and the basis for issuance of the Notice of Violation. The reviewer may request clarification of the information received and a site visit. After the review, the Director shall:
 1. Sustain the Notice of Violation; or
 2. Withdraw the Notice of Violation; or
 3. Continue the review to a date certain for receipt of additional information; or
 4. Amend the Notice of Violation.

22.206.235 Order of the Director.

- A. Where review by the Director has been conducted pursuant to Section 22.206.230, the Director shall issue an order of the Director containing the decision within fifteen (15) days of the date that the review is completed. The decision shall be served and posted in the manner provided by 22.206.220.
- B. Unless a request for review before the Director is made pursuant to Section 22.206.230, the notice of violation shall become the order of the Director.

- C. Because civil actions to enforce Chapter 22.206 are brought in Seattle Municipal Court pursuant to Section 22.206.280, orders of the Director issued under this chapter are not subject to judicial review pursuant to chapter 36.70C RCW.

22.206.240 Extension of compliance date.

- A. The Director may extend the compliance date if required repairs have been commenced and, in the Director's opinion, are progressing at a satisfactory rate. Extensions in excess of ninety (90) days may not be granted unless the need therefor is established in a Director's review.
- B. Vacating and Closing of Historic Buildings or Structures. The compliance date for historic buildings and structures that are closed to entry pursuant to Section 22.206.200 of this Code, during the notice of violation compliance period, shall be extended for as long as the building or structure is maintained in compliance with the standards of Section 22.206.200 of this Code.

22.206.250 Compliance.

- A. Compliance with a Notice, Order or decision issued pursuant to this Code shall be the responsibility of each person named in and served with the Notice, Order or decision.
- B. Until a property owner or other person named in a Notice, Order or decision demonstrates, and the Director confirms by inspection, that the obligations imposed by the standards established in this Code have been fulfilled, there shall be a rebuttable presumption affecting the burden of proof at trial that the violations listed in such Notice, Order or decision have not been corrected, provided, that there shall be no rebuttable presumption in any criminal prosecution under SMC Section 22.206.290. When a person named in a Notice, Order or decision demonstrates, and the Director confirms by inspection, compliance with such Notice, Order or decision and the standards established in this Code, the Director shall issue a certificate of compliance certifying that, as of the date of inspection, the violations cited in the Notice, Order or decision have been corrected.
- C. On issuance of a certificate of compliance, the Director warrants only that the violations listed in the Notice, Order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in buildings, or of any equipment therein that is not listed in the Notice of Violation. The Director shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person arising out of any condition of the building, structure or equipment.

22.206.260 Emergency order.

- A. Whenever the Director finds that any building, housing unit or premises is an imminent threat to the health or safety of the occupants or the public, an emergency order may be issued directing that the building, housing

unit or premises be restored to a condition of safety and specifying the time for compliance. In the alternative, the order may require that the building, housing unit or premises be immediately vacated and closed to entry.

- B. The emergency order shall be posted on the building, housing unit or premises, and shall be mailed by regular first class mail to the last known address of the property owners and, if applicable, to the occupants. All property owners and occupants of such building, housing unit or premises are deemed to have notice of any emergency order so posted and mailed.
- C. It shall be unlawful for any person to fail to comply with an emergency order issued by the Director requiring that the building, housing unit or premises be restored to a condition of safety by a specified time.
- D. It shall be unlawful for any person to use or occupy, or to cause or permit any person to use or occupy the building, housing unit or premises after the date provided in an emergency order requiring the building, housing unit or premises to be vacated and closed until the Director certifies that the conditions described in the emergency order have been corrected and the building, housing unit or premises have been restored to a safe condition.
- E. Any building, housing unit or premises subject to an emergency order that is not repaired within the time specified in the order is found and declared to be a public nuisance that the Director is hereby authorized to abate summarily by such means and with such assistance as may be available to the Director, and the costs thereof shall be recovered by the Director in the manner provided by law.
- F.
 - 1. Any tenant who is required to vacate and actually vacates a housing unit as a result of an emergency order shall be paid relocation assistance pursuant to and contingent upon compliance with the provisions of subsections G and H of SMC Section 22.206.260 and SMC Section 22.206.265 at the rate of Two Thousand Eight Hundred Dollars (\$2,800.00) for each tenant household with income during the preceding twelve (12) months at or below fifty percent (50%) of the median family income for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, adjusted for family size ("median family income"), and two (2) months' rent for each tenant household with income during the preceding twelve (12) months above fifty percent (50%) of the median family income, provided all of the following conditions are met:
 - a. The emergency order requires the housing unit occupied by the tenant to be vacated and closed;
 - b. The conditions that create the emergency arise from circumstances within the control of the property owner, including, but not limited to, conditions arising from failure to perform maintenance on the premises, affirmative acts of the property owner, or termination of water or utility services provided by the property owner;

- c. The conditions that create the emergency do not arise from an act of God or from the affirmative actions of a person or persons beyond the control of the property owner; and
 - d. The conditions that create the emergency are not caused solely by the actions of the tenant.
2. The amount of relocation assistance to be paid pursuant to subsection F1 of SMC Section 22.206.260 to a tenant household with income during the preceding twelve (12) months at or below fifty percent (50%) of the median family income may be adjusted annually by the percentage change in the housing component of the Consumer Price Index for All Urban Consumers (CPI-U) for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area as published by the United States Department of Labor, Bureau of Labor Statistics. Such adjustments are authorized to be made by Director's Rule.
- G. The property owner is required to deposit with the Director the relocation assistance provided in subsection F in a form acceptable to the Director no later than the deadline specified in the emergency order to vacate and close the building, housing unit or premises.
- H. No relocation assistance may be paid pursuant to subsection F1 of SMC Section 22.206.260 to tenants with household incomes during the preceding twelve (12) months greater than fifty percent (50%) of the median family income unless the property owner has deposited the required assistance pursuant to subsection G of SMC Section 22.206.260.

22.206.265 Emergency relocation assistance payments.

- A. A tenant subject to an emergency order to vacate and close may request an emergency relocation assistance payment from the Emergency Relocation Assistance Account. The Director may establish by Rule application requirements for this Section.
- 1. To apply for emergency relocation assistance, a tenant household with a household income during the preceding twelve (12) months at or below fifty percent (50%) of the median family income must:
 - a. Submit a completed and signed request for an emergency relocation assistance payment on an application form provided by the Director along with documentation sufficient to establish tenant household income for the preceding twelve (12) months and any additional information required by the Director;
 - b. Certify, in a manner approved by the Director, that the tenant has vacated a building, housing unit or premises pursuant to an emergency order to vacate and close; and
 - c. Complete the application requirements contained in this subsection within seven (7) days of the date set for compliance with an emergency order to vacate and close a building, housing unit or premises.
- B. A relocation assistance payment deposited with the Director by a property owner pursuant to subsection G of SMC Section 22.206.260 shall be paid to the tenant on whose behalf the deposit was made within three (3) business days after receipt by the Director of both the funds for relocation assistance and a completed and signed application for an emergency relocation assistance payment from the tenant.
- C. If a tenant with a household income during the preceding twelve (12) months at or below fifty percent (50%) of the median family income satisfactorily completes the application process described in subsection A1 and the property owner fails to deposit the relocation assistance as required by subsection G of SMC Section 22.206.260, the Director may pay to such tenant from the Emergency Relocation Assistance Account, subject to the limitation established in subsection A of SMC Section 22.202.060, the full amount of relocation assistance that such tenant would have received had the property owner deposited the relocation assistance as required.
- D. If a tenant has been paid relocation assistance from the Emergency Relocation Assistance Account pursuant to subsection C and is subsequently paid the relocation assistance provided by subsections F and G of SMC Sections 22.206.260 directly by the property owner, the tenant must reimburse The City of Seattle the full amount of relocation assistance paid from the Emergency Relocation Assistance Account within three (3) business days of the receipt of the relocation assistance payment from the property owner.

- E. If a tenant either fails to submit to the Director a completed and signed application for relocation assistance by the deadline established in subsection A or fails to negotiate a check or warrant for emergency relocation assistance within sixty (60) days of the date of the check or warrant, the Director shall refund to the property owner the full amount of relocation assistance deposited on behalf of a tenant pursuant to SMC Section 22.206.260 within seven (7) business days after such failure by the tenant.
- F. Any check or warrant for relocation assistance from the Emergency Relocation Assistance Account that is not presented for payment within sixty (60) days may not be honored.

22.206.270 Violations.

- A. Any failure to comply with a notice of violation, decision or order shall be a violation of this Code.
- B. It shall be a violation of this Code for any person to obstruct, impede, or interfere with any attempt to (1) correct a violation, (2) comply with any notice of violation, decision, emergency order, or stop work order, (3) inspect a building or premises pursuant to the authority of an inspection warrant issued by any court, or (4) inspect a housing unit after consent to inspect is given by a tenant of the housing unit.
- C. Any person who does not comply with an emergency order issued by the Director shall be in violation of this Code, regardless of intent, knowledge or mental state.
- D. Any person who fails to pay relocation assistance required by Section 22.206.260 F shall be in violation of this Code.

22.206.280 Civil enforcement proceedings and penalties.

In addition to any other remedy that may be available at law or equity, the following are available:

- A. Except for violations of Section 22.206.180, any person violating or failing to comply with any requirement of this Code shall be subject to a cumulative civil penalty in an amount not to exceed:
 - 1. One Hundred Fifty Dollars (\$150.00) per day for each housing unit in violation, and One Hundred Fifty Dollars (\$150.00) per day for violations in the common area or on the premises surrounding the building or structure, from the date the violation begins, for the first ten (10) days of noncompliance; and Five Hundred Dollars (\$500.00) per day for each housing unit in violation, and Five Hundred Dollars (\$500.00) per day for violations in the common area or on the premises surrounding the building or structure, for each day beyond ten (10) days of noncompliance until compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin, for purposes of determining the number of days of violation, on the date compliance is required by

the notice of violation. In addition to the per diem penalty, a violation compliance inspection charge equal to the base fee set by Section 22.900B.010 shall be charged for the third inspection and all subsequent inspections until compliance is achieved. Notwithstanding the provisions of Section 22.202.050, the compliance inspection charges shall be deposited in the General Fund.

- 2. One Hundred Dollars (\$100.00) per day from the date a tenant fails to reimburse The City of Seattle for emergency relocation assistance as required by subsection D of Section 22.206.265 until the date the relocation assistance is repaid to The City of Seattle.
- 3. One Hundred Dollars (\$100.00) per day for any person who provides false or misleading information to the Director and as a result of the false or misleading information is paid relocation assistance by the City of Seattle for which the person would not otherwise be eligible, from the date the person receives the emergency relocation assistance until the date the relocation assistance is repaid to The City of Seattle.
- B. Any person who does not comply with an emergency order issued by the Director pursuant to this Chapter 22.206 shall be subject to a cumulative civil penalty of up to One Thousand Dollars (\$1,000.00) per day from the date set for compliance until the Director certifies that the requirements of the emergency order are fully complied with.
- C. Any property owner who fails to deposit relocation assistance as required by subsections F and G of Section 22.206.260 shall be subject to a cumulative civil penalty of:
 - 1. For each tenant with a household income during the preceding twelve (12) months at or below fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of Section 22.206.260:
 - a. Three Thousand Three Hundred Dollars (\$3,300.00), plus
 - b. One Hundred Dollars (\$100.00) per day from the date such deposit by the property owner is required until the date the property owner pays to the City the penalty provided for in subsection C1a; or
 - 2. For each tenant with a household income during the preceding twelve (12) months greater than fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of Section 22.206.260, One Hundred Dollars (\$100.00) per day from the date such deposit is required until the date on which the relocation assistance required by subsections F and G of Section 22.206.260 is deposited with The City of Seattle.

- D. Any owner of housing units who violates subsection C6 of Section 22.206.160 shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).
- E. Anyone who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant to the authority of an inspection warrant issued by any court or an attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00).
- F. Any person who violates or fails to comply with subsections A5, A6, or A7 of Section 22.206.180 shall be subject to a cumulative civil penalty of up to Five Hundred Dollars (\$500.00) per violation per day. Each day that a separate action or inaction occurs that is a violation of subsections A5, A6 or A7 of Section 22.206.180 constitutes a separate violation.
- G. Civil actions to enforce Chapter 22.206 shall be brought exclusively in Seattle Municipal Court, except as otherwise required by law or court rule. The Director shall request in writing that the City Attorney take enforcement action. The City Attorney shall, with the assistance of the Director, take appropriate action to enforce Chapter 22.206. In any civil action filed pursuant to this chapter, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed. The issuance of a notice of violation or an order following a review by the Director is not itself evidence that a violation exists.
- H. The violator may show, in mitigation of liability, that correction of the violation was commenced promptly upon receipt of notice, but that compliance within the time specified was prevented by an inability to obtain necessary materials or labor, inability to gain access to the subject building, or other condition or circumstance beyond the control of the violator, and upon a showing of the above described conditions, the court may enter judgment for less than the maximum penalty.

22.206.290 Alternative criminal penalty.

Any person who violates or fails to comply with any of the provisions of this Chapter 22.206 and who has had an order of judgment entered against them for violating Titles 22 or 23 within the past seven (7) years from the date the criminal charge is filed shall upon conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply, and none of the mental states described in Section 12A.04.030 need be proved. The Director may request that the City Attorney prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter.

Each day a violation of this title continues and each occurrence of a prohibited activity shall be deemed and considered a separate offense.

22.206.295 Private right of action.

In addition to any other sanction or remedial procedure that may be available, any property owner who does not deposit emergency relocation assistance with The City of Seattle for a tenant pursuant to subsections F and G of SMC Section 22.206.260 shall be subject to a private civil action by such tenant to recover the actual amount of relocation assistance payable to the tenant but not deposited with The City of Seattle by the property owner, attorney fees and court costs.

22.206.305 Tenant's private right of action.

Nothing in this Code is intended to affect or limit a tenant's right to pursue a private right of action pursuant to Chapter 59.18 RCW for any violation of Chapter 59.18 RCW for which that chapter provides a private right of action. When an owner commits an act prohibited by SMC Sections 22.206.180 A1, 22.206.180 A2, or 22.206.180 A7, a tenant has a private right of action against the owner for actual damages caused by the prohibited act. To the extent that actual damages are unliquidated or difficult to prove, a court may award liquidated damages of up to One Thousand Dollars (\$1,000.00) instead of actual damages. Such damages when awarded are to be on a per incident, rather than a per tenant basis. The prevailing party in any such action may recover costs of the suit and attorney fees.

22.206.315 Appeal to Superior Court.

Final decisions of the Seattle Municipal Court on enforcement actions authorized by this chapter may be appealed pursuant to the Rules for Appeal of Decisions of Courts of Limited Jurisdiction.

Chapter 22.208

BUILDINGS UNFIT FOR HUMAN HABITATION OR OTHER USE

22.208.010 Conditions for declaring a building or premises unfit for human habitation or other use.

Any building, structure, or the premises or portions thereof, in or on which any of the following conditions exist to the extent that the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public is endangered, is declared to be unfit for human habitation or other use:

- A. Structural members that are of insufficient size or strength to safely carry imposed loads, including, but not limited to, the following:
 1. Footings or foundations that are weakened, damaged, decayed, deteriorated, insecure or missing,
 2. Flooring or floor supports that are damaged, defective, deteriorated, decayed or missing,
 3. Walls or partitions that are split or that lean, are decayed, buckled, damaged or missing,

4. Vertical or lateral supports that are damaged, defective, deteriorated, loose, decayed or missing,
 5. Ceilings or roofs or their supports that sag, buckle, or are split, decayed or missing, and
 6. Fireplaces or chimneys that bulge, settle, or have masonry or mortar which is loose, broken, or missing;
- B. Inadequate protection to the extent that occupants are exposed to the weather, including but not limited to the following:
1. Crumbling, broken, loose, or missing interior wall or ceiling covering,
 2. Broken or missing doors, windows, door frames or window sashes,
 3. Ineffective or inadequate waterproofing of foundations or floors, and
 4. Deteriorated, buckled, broken, decayed or missing exterior wall or roof covering;
- C. Inadequate sanitation to the extent that occupants or the general public are directly exposed to the risk of illness or injury, including but not limited to:
1. Lack of, or inadequate number of toilets, lavatories, bathtubs, showers, or kitchen sinks,
 2. Defective or unsanitary plumbing or plumbing fixtures,
 3. Lack of running water connections to plumbing fixtures or lack of an approved water service,
 4. Defective or unsanitary kitchen countertops or cabinets,
 5. Lack of connection to an approved sewage disposal system,
 6. Inadequate drainage,
 7. Infestation by insects, vermin, rodents, or other pests, and
 8. Accumulation of garbage and rubbish;
- D. Inadequate light, heat, ventilation, or defective equipment, including but not limited to:
1. Defective, deteriorated, hazardous, inadequate or missing electrical wiring, electrical service, or electrical equipment, and
 2. Defective, hazardous, or improperly installed ventilating equipment or systems,
 3. Lack of an approved, permanently installed, functioning heating facility and an approved power or fuel supply system that is capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65° F), measured at a point three feet (3') above the floor in all habitable rooms, baths, and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24° F) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24°F), the heating facilities must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58° F), measured at a point three feet (3') above the floor, in all habitable rooms, baths, and toilet rooms;
- E. Defective or inadequate exits, including, but not limited

to exits that are unsafe, improperly located, or less than the required minimum number or dimensions as defined by Section 22.206.130;

- F. Conditions that create a health, fire or safety hazard, including, but not limited to:
1. Accumulation of junk, debris, or combustible materials,
 2. Any building or device, apparatus, equipment, waste, vegetation, or other material in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or intensity of fire or explosion, and
 3. To the extent that it endangers or may endanger the occupants of the building, the occupants of neighboring buildings or the public, the presence of friable asbestos or the storage of toxic or hazardous materials.

22.208.020 Standards for demolition, repair or vacation and closure.

- A. Whenever the Director determines, pursuant to the procedures established in Section 22.208.030 of this Code, that all or any portion of a building and/or premises is unfit for human habitation or other use, the Director shall order that the unfit building and/or premises or portion thereof be:
1. Repaired, or demolished and removed, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use exceeds fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality, provided that the Director may order a building or structure, for which the estimated cost of such repairs do not exceed fifty percent (50%) of such replacement value, to be repaired, or demolished and removed, if the degree of structural deterioration is as described in 22.208.010 A, D or E, and the owner has failed three (3) or more times in the last five (5) years to correct the conditions by compliance dates as ordered by the Director;
 2. Repaired, and/or vacated and closed pursuant to Section 22.206.200 of this Code, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use does not exceed fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality; or
 3. Corrected or improved as specified in the Order of the Director as to the conditions that caused the premises other than buildings and structures to be unfit. Nothing in this section shall limit the authority of the City to condemn and resell property pursuant to RCW 35.80A.
- B. In estimating the replacement value of an unfit building or structure, the Director shall use the Square Foot Cost Estimating Method set forth in the "Residential Cost Handbook," Marshall and Swift, latest available edition, or a cost estimating publication that the Director

deems comparable.

C. In estimating the cost of repairs, the Director shall apply the following standards:

1. Only the conditions causing the building, structure or portion thereof to be unfit for human habitation or other use shall be included in the cost estimate;
2. All repair costs shall be based on estimates calculated from the "Home-Tech Remodeling and Renovation Cost Estimator," latest available edition, or a cost estimating publication that the Director deems comparable;
3. Repair estimates shall assume that all work will comply with the requirements of the current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in effect in The City of Seattle;
4. If the extent of damage to a portion of a building or structure cannot be ascertained from visual inspection, the Director shall assume that the relative extent of damage or deterioration identified in the observable portion of the building exists in the unobserved portions; and
5. Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials as originally used in the structure. If the building or structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the materials identified under the applicable building quality classification in the Square Foot Cost Estimating Method in the "Residential Cost Handbook" by Marshall and Swift.

D. If the Director finds that any of the following conditions exist, the Director shall order that such conditions be eliminated and that the building be closed within a time specified:

1. The condition or conditions which cause the building or premises to be unsafe or unfit for human habitation create a hazard to the public health, safety, or welfare that would exist even if the building were vacated and closed to entry; or
2. Building appendages, as defined in Seattle Building Code Section 3402.2, are in a deteriorated condition or are otherwise unable to sustain the design loads specified; or
3. Part of the building or premises or equipment intended to assist in extinguishing a fire, to prevent the origin or spread of fire, or to safeguard life or property from fire is in an unsafe or unusable condition.

22.208.030 Investigation, notice and hearing.

- A. The Director may investigate any building or premises which the director believes to be unfit for human habitation or other use. If the investigation reveals conditions that make the building or premises unfit for human habitation or other use, the Director shall:
1. Issue a complaint stating the conditions that make the building or premises unfit for human habitation or other use; and

2. Serve the complaint by personal service or certified mail with return receipt requested, upon all persons who appear on a litigation guarantee from a licensed title insurance company as having any ownership interest in the building or premises; and
 3. Post the complaint in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.
- B. No complaint shall be issued if a permit has been issued for all repairs, alterations, and improvements required to make the building or premises fit for human habitation or other use, and the repair work, in the Director's opinion, is progressing at a satisfactory rate.
- C. If the address of the persons appearing on the litigation guarantee identified in subsection A cannot be ascertained by the Director after a reasonable search, then the Director shall make affidavit to that effect, and the complaint shall be served either by personal service or by mailing a copy of the complaint by first class mail and certified mail, postage prepaid, return receipt requested, to the address appearing on the last equalized tax assessment roll of the County Assessor and to any other address known to the County Assessor. A copy of the complaint shall also be mailed to each person whose address cannot be ascertained, to the address of the building or premises involved in the proceedings. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to all housing and commercial rental units in the building or on the premises a copy of the complaint.
- D. The complaint shall state that a hearing will be held before the Director at a specified time and place, not less than ten (10) days nor more than thirty (30) days after service of the complaint; and that all persons having any interest therein shall have the right to file an answer to the complaint, and to appear in person or by representative and to give testimony at the time and place fixed in the complaint. At the hearing, the Director shall have the authority to administer oaths and affirmations, examine witnesses and receive evidence. The rules of evidence shall not apply in hearings before the Director.
- E. A copy of the complaint shall be filed with the King County Department of Records and Elections.

22.208.040 Determination and order of Director after hearing.

- A. If, after the hearing provided for in Section 22.208.030, the Director determines that a building or premises is unfit for human habitation or other use pursuant to Section 22.208.010, the Director shall further determine, using the standards set forth in Section 22.208.020, whether the building should be:
1. Repaired, altered or improved;
 2. Vacated and closed; or
 3. Demolished and removed, and/or whether the premises and the conditions that cause it to be unfit

should be corrected or improved. The Director shall issue a written order requiring that the building or premises be made fit for human habitation or other use. The order shall state the facts in support of the decision and a specific date for correction. The Director shall serve the order upon all parties served with a copy of the complaint, in the manner provided in Section 22.208.030. The order shall require that:

1. The building be:
 - a. Vacated and closed; and/or either
 - b. Repaired, altered or improved, or
 - c. Demolished and removed, and/or
 2. The premises and the conditions that cause it to be unfit should be corrected and improved.
- B. 1. If a building is to be demolished and removed by the owner or other parties in interest they shall obtain an asbestos survey and make the same available to the Director.
2. If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to Section 22.208.100 the owner shall either obtain an asbestos survey and make the same available to the Director or allow the Director access to the structure so that the Director may obtain an asbestos survey.
- C. When calculating the time for compliance under subsection A, the Director shall consider:
1. The type of hazard, the nature and immediacy of the threat to the public health and safety, and the blight created by the conditions of the premises;
 2. A demonstrated intent by a responsible party to repair, demolish or vacate and close the building or to correct or improve the condition of the premises by:
 - a. Entering into a contract with a licensed contractor to perform the required work within a specific time and for a reasonable compensation,
 - b. Depositing cash in a segregated account in an amount sufficient to complete the required repairs,
 - c. Securing a loan from an established lending institution that will provide sufficient funds to complete the required repairs, or
 - d. Securing a permit to perform the required work and paying the required permit fees;
 3. The length of time required to obtain permits needed to complete the repairs;
 4. The complexity of the repairs, seasonal considerations, construction requirements and the legal rights of tenants; and
 5. Circumstances beyond the control of the responsible person.
- D. If no appeal is filed, a copy of the order shall be filed with the King County Department of Records and Elections.
- A. Any party affected by any order of the Director under this chapter shall have the right to appeal the order of the Director to the Hearing Examiner. Notice of the right to appeal shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.
- B. The appeal shall:
1. Be filed with the Hearing Examiner no more than ten (10) days after service of the Director's order;
 2. Be in writing and state clearly and concisely the specific objections to the Director's order;
 3. State the ownership or other interest that each appellant has in the building, premises, or portion thereof involved in the order of the Director;
 4. State briefly the remedy sought; and
 5. Include the signatures of all appellants and their mailing addresses.
- C. The Hearing Examiner shall set a date for the hearing and provide no less than twenty (20) days' written notice of the hearing to the parties. Notice of the appeal and hearing shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.
- D. The appeal hearing shall be conducted pursuant to the contested case provisions of the Administrative Code, SMC Chapter 3.02. The Hearing Examiner is authorized to promulgate procedural rules for the appeal hearing pursuant to the Administrative Code.
- E. The appeal hearing shall be de novo. The Director's decision shall be affirmed unless the Hearing Examiner finds such decision to be arbitrary and capricious.
- F. The Hearing Examiner shall have the authority to affirm, modify, or reverse the order of the Director, or remand the case to the Director for further proceedings. The Hearing Examiner shall summarily dismiss an appeal which is determined on its face to be without merit, frivolous, or brought merely for the purpose of delay.
- G. Within fourteen (14) days after the hearing the Hearing Examiner shall issue a written decision containing findings of fact and conclusions and shall mail copies of the decision to the parties of record. The decision of the Hearing Examiner shall be the final decision of the City and shall have the same effect as a decision of the Director issued pursuant to Section 22.206.235. The decision and order of the Hearing Examiner shall be filed by the Director with the King County Department of Records and Elections.

22.208.060 Petition to Superior Court.

Any person who has standing to file a land use petition in the Superior Court of King County may file such a petition within twenty-one (21) days of issuance of the Hearing Examiner's decision pursuant to Section 22.208.050, as provided by Section 705 of Chapter 347 of the Laws of 1995.

22.208.070 Extension of compliance date.

An extension of time for compliance with an order may be

22.208.050 Appeal from order of Director.

granted by the Director upon receipt of a written request filed with the Director by any party affected by the order not later than seven (7) days prior to the date set for compliance in the order. Any extension granted shall be in writing, and shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way. Extensions shall not be subject to appeal. The Director may, without a written request, grant an extension of time if in the Director's opinion such an extension is warranted.

22.208.080 Certificate of compliance.

- A. Compliance with an order issued pursuant to this Chapter 22.208 shall be the responsibility of each person named as a responsible party in the order. An owner or responsible party shall request a re-inspection from the Director following correction of the conditions set forth in the order. If the Director finds that the repairs, alterations, corrections or other actions required by the order have been performed in compliance with the standards in this Code, the Director shall issue a certificate of compliance certifying that, as of the date it is issued, the violations cited in the order have been corrected.
- B. On issuance of a certificate of compliance, the Director certifies only that the violations listed in the complaint, order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in the building or any equipment therein, or of the premises, that is not listed in the complaint, order or decision. The Director shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person, organization, or corporation arising out of any condition of the building, structure, equipment, or premises.

22.208.090 Re-inspection of vacant buildings.

When a building is vacant and has been closed to entry pursuant to an order of the Director issued pursuant to this chapter, the Director shall reinspect the building quarterly pursuant to Section 22.206.200 F to verify that the building and structures accessory to the building remain vacant and closed to entry and meet the minimum standards for vacant buildings set forth in this Code, and to determine the extent to which the building has deteriorated. The owner shall be charged an inspection fee for the quarterly inspections. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapters 22.901A—22.901T).

22.208.100 Enforcement of the order of the Director.

- A. If the person served with an order fails to comply with the order, the Director, by such means and with such assistance as may be available, is hereby authorized and directed to cause the building to be:
 - 1. Repaired, altered or improved; or
 - 2. Vacated and closed; or
 - 3. Demolished and removed; or

- 4. To cause the premises and the conditions that cause it to be unfit to be corrected or improved, and the costs thereof shall be recovered by the City in the manner provided in Section 22.208.110.

- B. If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to subsection A, the owner shall either obtain an asbestos survey and make the same available to the Director, or allow the Director access to the building so that the Director may obtain an asbestos survey.

22.208.110 Recovery of costs.

- A. If the costs incurred by the Director pursuant to Section 22.208.100 for repairs, alterations or improvements, or of vacating and closing, or of demolition and removal are not paid after a written demand upon the owner and other persons named as responsible parties in the complaint, such costs shall be assessed against the property for which the costs were incurred in the manner provided below.
- B. If the building is removed or demolished by the Director, the Director shall, if possible, sell the salvageable materials from the building and shall apply the proceeds of the sale to the reimbursement of the costs of demolition and removal. Any funds remaining shall be paid to the owner.
- C. After notice to the owner and other persons with an ownership interest as shown on the litigation guarantee that all or a portion of the costs have not been paid, the Director shall notify the City Director of Executive Administration of the amount due and owing, and upon receipt of the notification the City Finance Director shall certify the amount to the King County Financial Management Office for assessment.
- D. Upon certification by the City Director of Executive Administration of the amount due and owing, the Director of the King County Financial Management Office or designee shall enter the amount of the assessment upon the tax rolls against the real property for the current year to be collected at the same time as the general taxes and with interest at the rates and in the manner provided in RCW 84.56.020 for delinquent taxes. When collected, it shall be deposited in the General Fund of the City and credited to the Housing and Abatement Account provided in Section 22.202.050.
- E. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

22.208.120 Occupying or renting building or premises unfit for habitation— Termination of utilities.

- A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building or premises found to be unfit for human habitation or other use from and after the date specified in a Director's order to repair, alter, or improve, vacate and close, or demolish and re-

move a building or correct or improve the condition of the premises until the Director has certified that the building or premises is fit for human habitation or other use.

- B. The Director may, by written notice directed to the owner and to the Director of Seattle Public Utilities, Superintendent of City Light, or to the Washington Natural Gas Co., request that service of water, electricity or gas to the building or premises be terminated or disconnected on or before a specified date. Upon receipt of such notice the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. is authorized to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a certificate of compliance in accordance with Section 22.208.080, or upon written notification by the Director that water, electricity or gas service should be restored.
- C. It is unlawful for anyone other than the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co., or their authorized representatives, to restore any water, electricity, or gas service that has been terminated or disconnected by notice from the Director.

22.208.130 Removing posted notices.

Only the Director may remove any notice, complaint or order posted in accordance with this chapter prior to issuance of a certificate of compliance.

22.208.140 Violations.

- A. Any failure or refusal to obey an order of the Director or Hearing Examiner or any failure to comply with the requirements or standards of this Code shall be a violation of this Code.
- B. It shall be a violation of this Code for any person to obstruct, impede or interfere with any attempt to correct any violation, or attempt to comply with an order of the Director issued pursuant to this Chapter 22.208.

22.208.150 Civil enforcement proceedings and penalties.

- A. In addition to any other remedy authorize by law or equity, any person failing to comply with an order issued by the Director or Hearing Examiner pursuant to this Chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars (\$500) per day from the date set for compliance until the owner or a responsible party requests a re-inspection and the Director verifies following re-inspection that the property is in compliance.
- B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the amount of Five Hundred Dollars (\$500).
- C. The Director shall request in writing that the City Attorney take enforcement action. The City Attorney shall, with assistance of the Director, take appropriate enforcement action.

- D. Once a civil penalty has been established by judgment, and that judgment certified to Superior Court, the judgment may be satisfied, if approved by the Director and at the discretion of the Director, by payment of one-third (1/3) of the total judgment accompanied by an agreement by which the property is permitted to be used for a period of up to three (3) years for a City approved program for job training or temporary housing purposes, that results in correction of the violation. This provision shall not be construed to limit or otherwise affect the authority of the Director or City Attorney to negotiate a satisfaction of judgments on other terms as dictated by the circumstances.

22.208.160 Alternative criminal penalty.

- A. Any person who violates or fails to comply with any of the requirements of this Chapter 22.208 and who has had an Order of Judgment entered against them by a court of competent jurisdiction for violating Titles 22 or 23 within the past seven (7) years from the date the criminal charge is filed shall upon conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request that the City Attorney prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter. Each day a violation of this title continues and each occurrence of a prohibited activity shall be deemed and considered a separate offense.
- B. A fine, not exceeding Five Thousand Dollars (\$5,000.00) per violation and/or a term of imprisonment not exceeding one (1) year may be imposed for any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this chapter.

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